

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE
ORANGE GROVE POWER PLANT PROJECT
BY ***ORANGE GROVE ENERGY, LLC***

DOCKET No. 08-AFC-4

**NOTICE OF INFORMATIONAL HEARING
ISSUES IDENTIFICATION AND SCHEDULING CONFERENCE
AND
COMMITTEE SCHEDULING ORDER**

Background

On June 19, 2008, the California Energy Commission received an Application for Certification (AFC) from Orange Grove Energy, L.P. (Applicant), a subsidiary of J Power USA Development Company Ltd.. The project involves a 96 Megawatt (MW) simple-cycle electric generating plant and ancillary facilities in rural north San Diego County, approximately six miles east of the city of Fallbrook and approximately two miles west of the community of Pala on State Route 76.

Prior to filing this AFC, Applicant submitted an Application for a Small Power Plant Exemption (SPPE) to the California Energy Commission to construct and operate the Orange Grove Project on July 19, 2007, pursuant to Public Resources Code section 25541. On September 24, 2007, the Committee conducted a Public Site Visit and Informational Hearing. During the course of the SPPE proceedings, the Applicant encountered obstacles concerning some of their linear facilities which ultimately led to the withdrawal of the SPPE Application on April 24, 2008.

On April 28, 2008, the Energy Commission terminated the SPPE proceedings and in view of Applicant's stated intention to re-file the same project as an AFC, ordered staff to take advantage of work already completed on the Orange Grove project and to process the AFC as quickly as reasonably possible with the goal of a final decision by April 1, 2009. The Energy Commission appointed the same Orange Grove SPPE Committee and Hearing Officer to preside in the Orange Grove Project AFC.

PLEASE TAKE NOTICE that the Committee assigned to conduct these proceedings has scheduled a public Informational Hearing, Issues Identification, and Scheduling and Status Conference to discuss the proposed project as indicated below:

DATE: Tuesday, JULY 29, 2008

TIME: Hearing and Conference begins at 1 p.m.

LOCATION: Fallbrook Public Utilities District
990 East Mission Road
Fallbrook, CA 92028
(*Wheelchair Accessible*)

Purpose of the Informational Hearing, Issues Identification and Scheduling Conference

This conference is sponsored by the Energy Commission to inform the Committee, the parties, and the community about the project, its progress to date in the application process, and to meet and confer about the project schedule.

At the conference, Applicant, Staff, Interveners, and other parties should be prepared to inform the public about the project and AFC process, identify issues, and advise the Committee on how the project's current status may affect the remaining schedule for review of the application.

Summary

The schedule contains a list of events that must occur in order to complete the certification process by April 1, 2009. The Committee encourages the parties to consider this schedule an outer boundary and make their best efforts to complete the milestones ahead of these dates.

Several deadlines are contingent upon reviews to be conducted by federal, state, and local agencies. The Applicant must provide sufficient review time for the responsible agencies to meet the deadlines specified in the schedule. Technical issues regarding, but not limited to, air quality, biological resources, traffic and transportation, and water and soil resources are pending. Resolution of these issues shall be addressed during the data exchange process and at public meetings with the parties and interested governmental agencies. Given the complexities involved in resolving the issues, the parties are on notice that the Committee may modify the schedule at any time upon either our own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709(c).]

The Committee acknowledges that this is an ambitious schedule and that it is incumbent upon the Applicant to provide staff with timely and complete data when requested. Due process and a thorough analysis of the impacts of this project will not be sacrificed to meet Applicant's goal of a decision by April 1, 2009. Nevertheless, Staff should communicate any defects in the AFC to the Applicant at the earliest possible opportunity to enable the Applicant to take immediate remedial action.

Specifically, the Committee is interested in alternative cooling technologies and alternative cooling water sources that may be used at the plant to reduce the project's impacts. The Committee is particularly interested in alternatives to any linear facilities that encroach upon special species' habitats.

Status Reports

The schedule requires periodic status reports to determine whether case development is progressing satisfactorily and to bring potential schedule delays or other relevant matters to our attention. The burden is on the Applicant to produce the necessary data according to the schedule. If there are delays, we may adopt a performance approach resulting in a commensurate slip of the schedule.

To facilitate the process, each party shall serve and file status reports as indicated in the schedule below. The reports shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS-14, Sacramento, California, 95814-5512, **no later than 3:00 p.m. on the dates indicated below**. Status reports must contain "Docket No. 08-AFC-4" in the caption or heading. In addition to providing printed copies, the parties shall e-mail their status reports to the Hearing Officer and to those with e-mail addresses as indicated on the Proof-of-Service list. If, for any reason, the Final Staff Assessment is delayed beyond December 1, 2008, the parties are **Ordered** to provide status reports on the first day of every month until directed otherwise by the Committee.

Public Adviser and Public Participation

Members of the public may participate in all aspects of the review process in a variety of ways. The Commission's Public Adviser's Office is available to assist the public in participating in the licensing process. This office may be reached at 916-654-4489 or 800-822-6228 or email: **[pao@energy.state.ca.us]**.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz well in advance of the hearing at 916-654-5146 or e-mail: **[lquiroz@energy.state.ca.us]**.

Information

Questions of a legal or procedural nature should be directed to Kenneth Celli, the Hearing Officer, at (916) 651-8893 or e-mail:

[kcelli@energy.state.ca.us].

Technical questions concerning the project should be addressed to Felicia Miller, Staff Project Manager, at (916) 654-4489, or e-mail:

[fmiller@energy.state.ca.us].

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail:

[mediaoffice@energy.state.ca.us].

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: **[<http://www.energy.ca.gov/sitingcases/orangegrove>].**

Dated June 26, 2008, at Sacramento, California

JAMES D. BOYD
Vice Chair and Presiding Member
Orange Grove AFC Committee

ARTHUR H. ROSENFELD
Commissioner and Associate Member
Orange Grove AFC Committee

**COMMITTEE SCHEDULE
FOR THE
ORANGE GROVE PROJECT**

<i>DATE</i>	<i>EVENT</i>
June 19, 2008	Application for Certification filed
July 16, 2008	First Business Meeting (Data Adequacy)
July 23, 2008	Issues Identification Report provided by Staff
July 29, 2008	Informational Hearing, Issues Identification and Scheduling Conference
August 1, 2008	Staff provides data requests to Applicant
Before September 1, 2008	Applicant submits data responses
September 11, 2008	Data response and issue resolution workshop
September 15, 2008	Status Report #1 (Possible Status Conference)
Before November 3, 2008	PSA/FSA published
November 17, 2008	PSA/FSA workshop
November 25, 2008	Pre-Hearing Conference Statement
December 1, 2008	Pre-Hearing Conference
December 15, 2008	Parties file Statement of Agreed Upon Facts and Issues, Witness Lists, Written Testimony, Exhibits List
December 19, 2008	Evidentiary Hearings Begin
February 15, 2009	Presiding Members Proposed Decision (PMPD)
March 2, 2009	Committee Conference on PMPD
April 1, 2009	PMPD Adoption Hearing